



# COMMONWEALTH OF MASSACHUSETTS

## Department of Telecommunications and Cable

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## Department Notice

Updated April 2019

The Department of Telecommunications and Cable has received several inquiries about wireless broadband infrastructure deployment on publicly owned or controlled property. The Department offers the following questions for stakeholders' consideration.\*

### What is the proposed installation – Which rules apply?

- Is the proposed installation a new structure or new equipment on an existing structure?
  - If a new structure, will other utilities or wireless carriers be able to attach to the new structure?
  - If on an existing third-party-owned structure (*e.g.*, utility pole), has the third party authorized the new installation?
- Can the new equipment be placed on some other structure (*e.g.*, streetlight pole, traffic light pole, municipally-owned building or other structure)?
- Is the proposed installation in the right-of-way?
  - How is “right-of-way” defined in the municipality?
- How big is the proposed installation (height, width, weight)?
  - Does the installation qualify as a “small wireless facility” under federal rules?

### What type of accessory equipment will be needed?

- Where will this accessory equipment be located?
- How will this new infrastructure be powered? Will generators or back-up power be required?
- Will this infrastructure require a physical connection to backhaul?
- How much space will this accessory equipment occupy?

### What costs does the proposed installation involve?

- What are the costs of managing the right-of-way?

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\* Please note that under the Federal Communications Commission's interpretation of federal law, not all of these factors may be relevant to or considered for all attachments.

- What are the costs of filing and reviewing an application?
- Are these costs documented?

### **Other considerations**

- What aesthetic requirements apply to the proposed installation?
  - Are the requirements reasonable? Objective? Nondiscriminatory? Published in advance?
- Is the proposed installation safe, both on its own and, if applicable, as placed on the existing structure?
- What review timeframe(s) (*i.e.*, “shot clocks”) apply to the installation application?
  - Is the installation application complete upon filing?
  - What other approvals are required for the installation (*e.g.*, environmental, building permits, etc.)?
- Who stands to benefit from the installation?
- Do any zoning ordinances apply to the installation?
- Are there current or planned utility undergrounding requirements?
- If the new federal rules apply to the proposed installation, what happens if the Federal Communications Commission’s Order adopting the rules is overturned on appeal?